

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:10cv9**

**STATE OF NORTH CAROLINA)
EX REL.; JOHN WILLIAM BISHOP;)
and DONNA J. BISHOP,)**

Plaintiffs,)

Vs.)

ORDER

**COUNTY OF MACON; MACON)
COUNTY SHERIFF'S DEPARTMENT;)
ROBERT L. HOLLAND, Individually)
and in his Official Capacity as Sheriff)
of Macon County; C.J. LAU,)
Individually and in his Official Capacity)
as Deputy Sheriff of Macon County;)
GARY GARNER; W. T. POTTS;)
MARSH USA, INC.; and THE OHIO)
CASUALTY INSURANCE COMPANY,)**

Defendants.)

_____)

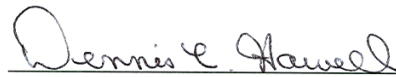
THIS MATTER is before the court upon plaintiffs' "Supplemental Brief," which was filed September 14, 2010. The previous Order of this court, entered September 1, 2010, specifically provided that plaintiff's brief was due to be filed within 14 days of defendants' filing of their supplemental brief. The plaintiffs' September 14, 2010, filing of such brief the day before defendants' deadline ran and before defendants filed their brief is not in conformity with the court's order. Further,

such filing not only loses the responsive advantage, it does not aid the court in the decision making process as this court wishes to consider informed rebuttal.

ORDER

IT IS, THEREFORE, ORDERED that the plaintiffs' Supplemental Brief is **STRICKEN** without prejudice as it is not in conformity with the prior Order of this court.

Signed: September 15, 2010

_____

Dennis L. Howell
United States Magistrate Judge

